

Appl. No. : 09/593,587
Filed : June 13, 2000

REMARKS

Applicant acknowledges the Examiner's allowance of Claims 1, 3, 4, 7-9, 14, 15, 20, and 21. In addition, the Examiner has stated that Claims 11 and 19 contain allowable subject matter. Thus, Claims 11 and 19 have been cancelled and rewritten into independent form as new Claims 23 and 22, respectively. Claim 3 has been canceled. Thus, Claims 1, 4-10, 12-15, 18, and 20-23 are pending in the application and are presented for reconsideration and further examination in view of the amendments and the following remarks.

Claim rejections Under 35 U.S.C. § 112

Claims 10 and 11 were rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements. With respect to Claim 10, the Office Action identifies the omitted elements as a structure positioned adjacent the second end if Applicant intends the claim to be directed to a *combination* of a gasket and a device. The preamble of Claim 10 is directed to a thermally conductive gasket. In view of the preamble, Applicant has amended the body of Claim 10 by removing the recitation of a device from the claim. Claim 11 has been canceled. Claim 11 has been re-written as new Claim 23 without the recitation of a device. Consideration and allowance of Claims 10 and 23 is respectfully requested.

Claim Rejections for Double Patenting

Claims 3 and 20 were identified as being substantially identical. With this amendment, Applicant has canceled Claim 3. Applicant respectfully requests that the rejection of Claim 20 for double patenting be withdrawn.

Claim Rejections under 35 U.S.C. § 102(e) in view of Purinton and Pinter et al.

Claim 10 was rejected under 35 U.S.C. § 102(e) as being anticipated by Purinton (U.S. Patent No. 5,805,424) and alternatively being anticipated by Pinter et al. (U.S. Patent No. 6,436,506). Applicant has amended Claim 10 to more clearly point out the subject matter claimed.

Purinton is directed to a microelectric assembly that includes a conductive film located on the z-axis of the assembly. The film includes linear metal or diamond fibers located within pores

of the film for electrical/thermal conduction through the film (see Figures 5 and 7 and associated text). Purinton does disclose electrical pads (32, 33, 35, 36 in Figure 5) located at the ends of the fibers; however, these pads are different from the plurality of nanofibrils in Claim 10.

Pinter et al. is directed to a compliant fibrous thermal interface. The thermal interface includes vertically oriented, conductive, fibers (32) extending out of an adhesive material (see Figures 1A-1C). Pinter et al. further discloses an encapsulant (30) which can be introduced into the space between the fibers (32) (see Figure 2). The disclosed adhesive is different from the plurality of nanofibrils in Claim 10.

Applicant's Claim 10 is directed to a gasket that includes, among other elements, "a plurality of fibers having first and second ends" and "a material comprising a plurality of nanofibrils located predominantly proximate to said first ends." (emphasis added). Unlike the Purinton and Pinter et al. references, Applicant's material comprises nanofibrils. The Purinton and Pinter et al. references fail to disclose, *inter alia*, this structure. Therefore, Applicant respectfully requests that the rejection of Claim 10 as being anticipated by the Purinton and Pinter et al. references be withdrawn.

Claim Rejections under 35 U.S.C. § 102(e) in view of Fetcenko et al.

Claim 18 was rejected under 35 U.S.C. § 102(e) as being anticipated by Fetcenko et al. (U.S. Patent No. 6,177,213). Applicant has amended Claim 18 to more clearly point out the subject matter claimed.

Fetcenko et al. is directed to a positive electrode material having at least one conductive particle embedded in the positive electrode material. (see column 8, lines 8-34). Figure 2 illustrates a branching tree-like conductive network formed by the at least one embedded conductive particle. However, the conductive network in Fetcenko et al. is different from the arrangement of the first plurality of fibers in Claim 18.

Applicant's Claim 18 is directed to a material where, among other elements, a "first plurality of fibers are predominantly aligned and have a first diameter of less than about 15 micrometers." (emphasis added). Unlike Figure 2 of the Fetcenko et al. reference, which discloses a sporadic arrangement of branches, Applicant's first plurality of fibers are predominantly aligned. The Fetcenko reference fails to disclose, *inter alia*, this structure.

Appl. No. : 87/593,587
Filed : June 13, 2000

Therefore, Applicant respectfully requests that the rejection of Claim 18 as being anticipated by the Fetcenko et al. reference be withdrawn.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

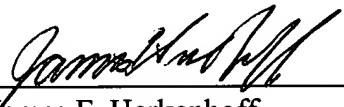
The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney, James Herkenhoff at (619) 687-8663 (direct line), in order to resolve any such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/17/03

By: 
James F. Herkenhoff
Registration No. 51,241
Attorney of Record
Customer No. 20,995
(619) 235-8550

S:\DOCS\JFH\JFH-3998.DOC
121103